

## FACSIMILE TRANSMISSION SHEET

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TO: Ms. Charitta Burt - PCT Dept.

FAX NO: (703) 305-3230

FROM: Christine Kotran, for D. Peter Hochberg, Esq.

DATE: October 17, 2002

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 9

MESSAGE: Re: Mithiue U.S. Patent Appln. 10/089,325  
***Correct National Filing Date: July 12, 2002***  
WINGED INJECTION NEEDLE HAVING  
NEEDLE COVERING MEANS  
Our Ref. KZ0445US (#90581)

This message references our telephone conversation on Tuesday, October 15, 2002 concerning an error in the national filing date for the referenced application as a result of a clerical error in the "Notice of Acceptance of Application Under 35 U.S.C. 371" which was mailed under your name on July 31, 2002. You said that you must get the file. In the meantime, I am faxing copies of the following documents for your consideration and subsequent correction of the Notice of Acceptance originally issued on July 31<sup>st</sup>:

1. Copy of the Notice of Acceptance of Application Under 35 U.S.C. 371
2. "Completion of Missing Requirements" (without documentation) with a copy of the post card receipt dated July 12, 2002. **Note: The filing of this document determines the filing date of the U.S. national phase application;** that is, the date on which the last of the 35 U.S.C. 371 requirements had been received in the Office is the national filing date. Therefore, the correct national filing date is July 12, 2002, not June 12, 2002.

Additionally, we would appreciate any assistance you could provide in helping us obtain a corrected Filing Receipt for this case.

We look forward to hearing from you as soon as possible concerning this matter.

\*\*\*PRIVILEGED AND CONFIDENTIAL\*\*\*

This communication is intended only for the use of the named addressee(s) and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via the U.S. Postal Service. Thank you.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO	FIRST NAMED APPLICANT	ATTY DOCKET NO
10/089,325	Tetutoshi Mithiue	K20445US(#90581)

INTERNATIONAL APPLICATION NO.

PCT/JP00/06633

LA. FILING DATE

PRIORITY DATE

09/27/2000

09/27/1999

28672

D. PETER HOCHBERG CO. L.P.A.  
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CONFIRMATION NO. 1360

371 ACCEPTANCE LETTER



\*OC00000008538483\*

Date Mailed: 07/31/2002

### NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

06/12/2002 7:12:02  
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and  
(c)(4) REQUIREMENTS

06/12/2002 7:12:02  
DATE OF RECEIPT OF ALL 35 U.S.C.  
REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- English Translation of the IA
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments

- Request for Immediate Examination

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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CHARITTA A BURT

Telephone: (703) 305-3734

**PART 1 - ATTORNEY/APPLICANT COPY**

FORM PCT/DO/EO/903 (371 Acceptance Notice)

Attorney Docket No. KZ0445US (#90581)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tetutoshi Mithiue, Shyouiti Fujii, Takashi Doi, Takeshi Okamoto  
Serial No. : 10/089,325 Confirmation No. 1360  
I.A. Filing Date: September 27, 2000 Int'l Application No. : PCT/JP00/06633  
Title : WINGED INJECTION NEEDLE HAVING NEEDLE COVERING MEANS  
Attorney Docket No. : KZ0445US (#90581)

Box PCT  
Commissioner for Patents  
Washington, D.C. 20231

## COMPLETION OF MISSING REQUIREMENTS

I. (X) This replies to the office letter dated June 7, 2002.

(X) A copy of the Notice of Missing Requirements is enclosed.

## EXTENSION OF TIME

- II. Enclosed is a (check either (a) or (b), as applicable)
- (a) ( ) Petition and fee for extension of time
  - (b) ( ) Conditional petition and fee for any extension of time which may be required

**WARNING:** Submission of the appropriate extension fee under 37 CFR 1.136(a) is to no avail **unless** a request or petition for extension is also filed. (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

## EXPRESS MAIL CERTIFICATE

I hereby certify that the paper(s) identified above, and any noted as being attached, is being deposited with the United States Postal Service as Express Mail Label Number EV076803055US, postage prepaid, on the date indicated below and addressed: Box PCT, Commissioner for Patents, Washington, DC 20231.

Date: July 12, 2002

  
Katherine R. Vieyra  
(Signature of person mailing paper)

**DECLARATION OR OATH**

- III. (X) No original declaration or oath was filed and enclosed is the original declaration or oath for this application.

**OR**

- ( ) The original declaration or oath which was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: 37 CFR 1.41(a) points out that "Full names must be stated, including the family name and at least one given name without abbreviation together with any other given name or initial."

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: Acceptable minimums in the declaration for identification of the specification to which it applies are the name of the inventor and (1) serial number (2) attorney docket number which was on the application as filed and the filing date (3) title of the invention and filing date (4) title of invention and reference to a specification which is attached to the declaration at the time of execution and filed with the declaration or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration. If identification (4) is used it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date; such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3).

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 CFR 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

- (c) (X) Statement by a registered attorney that the application filed in the PTO is the application which the inventor(s) executed by signing the declaration.
- (d) ( ) Statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

**AMENDMENT CANCELING CLAIMS**

- IV. ( ) Cancel claims \_\_\_\_ inclusive.

**TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS**

- V. ( ) Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

**FEES**

- VI. **WARNING:** Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 CFR 1.53(d).

NOTE: The filing fees, fees for claims and surcharge fees listed below in items 1,2 and 3 are reduced by 50% where proof of a small entity status is established on or before the date the fee is paid. If the full fee was paid by a verified statement is filed within 2 months of the date of timely payment of a fee then the excess fee paid will be refunded on request. 37 CFR 1.28(a).

**1. Filing Fee**

- ( ) original patent application (37 CFR 1.16(a) - \$710.00;  
Small entity - \$355.00 \$
- ( ) design application (37 CFR 1.16(f) -  
\$320.00; small entity - \$160.00) \$

**2. Fees for claims**

- ( ) each independent claim in excess of 3 (37 CFR 1.16(b) -  
\$80.00; small entity - \$40.00) \$
- ( ) each claim in excess of 20 (37 CFR 1.16(c) -  
\$18.00; small entity - 9.00) \$
- ( ) multiple dependent claim(s) (37 CFR 1.16(d) -  
\$270.00; small entity - \$135.00) \$

## 3. Surcharge fees

- ( ) late payment of filing fee \$  
and/or  
( X ) late filing of original declaration or oath \$ 130.00  
(37 CFR 1.16(e) - \$130.00; small entity - \$65.00)

NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers only one surcharge fee for both need be paid. 37 CFR 1.16(e).

4. ( ) Petition fee for filing by other than all the inventors or a person \$  
not the inventor (37 CFR 1.17(h) and 1.47 - \$130.00)
5. ( ) Fee for processing an application filed with a specification in a non- \$  
English language (37 CFR 1.17(k) and 1.52(d) - \$130.00)
6. ( ) Fee for processing and retention of application (37 CFR 1.21(l) and \$  
1.53(d) - \$130.00)
- Total fees \$ 130.00**

**SMALL ENTITY STATUS**

- VII.** ( ) A statement that this filing is by a small entity  
( ) is attached  
( ) a separate refund request accompanies this paper  
( ) was made with the initial filing on \_\_\_\_.

NOTE: If an original verified statement and a refund request is filed within two months of the date of payment of a fee then the excess fee paid will be refunded on request. 37 CFR 1.28(a).

**PAYMENT OF FEES**

- VIII.** ( ) Enclosed is a check in the amount of \$ .  
( x ) Enclosed is a Credit Card Payment Form in the amount of \$ 130.00.  
( ) Charge Account No. 08-2441 in the amount of \$  
A duplicate of this request is attached.

**AUTHORIZATION TO CHARGE ADDITIONAL FEES**

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

- (X) The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the pendency of this application to Account No. 08-2441.
- (X) 37 CFR 1.16 (filing fees)
  - (X) 37 CFR 1.16 (presentation of extra claims)
  - (X) 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
  - ( ) 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

Respectfully submitted,

By: 

D. Peter Hochberg  
Reg. No. 24,603

DPH/KRV

Enc. - attorney statement; declaration; credit card payment form

D. Peter Hochberg Co., L.P.A.  
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Due Date 8-7-02 Date 7-12-02Pat. T.M. PCT

EVO76803055US

Spec. Pages Claims

Drawings Sheets (Inf. )

☒ Declaration

Assignment w/Letter

Transmittal Letter (2 copies)

☒ Check Amt. \$130<sup>00</sup> - credit card pmt form

Amendment Pat. T.M.

Appeal with Check \$

Appeal Brief pages , with check \$

☒ Others Notice of Missing R&D; Completion  
of Missing R&D; attorney statementSerial No. 10/089,325 Filed 3-26-02 Docket K20445US  
1A 7-27-00